

2-13. Inspections and Information Gathering (1200 TN 350 2-13)

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 308 and 311:
 - a. To enter into, upon or through any premises subject to the CWA, or in which records required to be maintained under the CWA are located; have access to and copy records; take samples, and inspect monitoring equipment and methods.
 - b. To require the owner or operator of any point source to establish and maintain records; make reports; install, use, and maintain monitoring equipment; sample effluents; and provide information.
 - c. To obtain and execute warrants for the purpose of performing an inspection or information gathering.
 - d. To carry out any other inspection and information gathering activities authorized by the CWA.
 - e. To require the carrying out of any other inspection and information gathering activities authorized by the CWA.
 - f. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c, 1.d, and 1.e.
2. **TO WHOM DELEGATED.**
 - a. The authorities in 1.a., 1.b., 1.c, 1.d., 1.e., and 1.f., above, are delegated to the directors, Water Protection Division (WPD); Environmental Assessment and Innovation Division (EAID); Hazardous Site Cleanup Division (HSCD); and the Office of Enforcement, Compliance, and Environmental Justice (OECEJ).
 - b. The authorities in 1.a., and 1.d., are delegated to the staff in WPD, EAID, HSCD, and OECEJ who possess proper credentials and who are authorized to carry out such activities by the directors.
 - c. The authorities in 1.b., 1.e., and 1.f., are delegated to the associate director, Office of NPDES Permits and Enforcement, WPD; associate director, Office of Preparedness and Response, HSCD; associate director, Office of Enforcement, HSCD; chief, Oil and Prevention Branch, HSCD; chief, Environmental Programs Branch, EAID; and chief, Enforcement and Compliance Assistance Branch, OECEJ.
3. **LIMITATIONS.**
 - a. The delegates must obtain advance concurrence of the regional counsel prior to exercising the authorities in 1.c.

- b. The OECEJ delegates may exercise these authorities only in multi-media cases or when conducting an inspection at the request of WPD or HSCD.
- c. The OECEJ delegates must consult with the EAID, WPD, or HSCD delegates, respectively, before exercising these authorities in multi-media cases.
- d. The EAID delegates may use these authorities only to implement Sections 301, 308, and 404 of the CWA.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.c. may be redelegated to the staff level.
- b. The authority in 1.b., 1.e. and 1.f. may be redelegated to the branch chief level, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 308 and 311 of the CWA, and regulations developed thereunder.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."

6. SUPERSESSION. Delegations Manual, CWA, Regional Delegation 2-13, Inspections and Information Gathering, 1200 TN RIII-164, September 1, 2005.

Date: _____

Cecil Rodrigues
Acting Regional Administrator